SINGLE BENCH

CF/1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 4699 OF2006

PETITIONER / APPLICANT : Krishna Sevak Sharma, S/o Shri Narmada Prasad Sharma, 53 Yrs. R/o Mathpuranina Ring Road House No. 55, Raipur (C.G.)

VERSUS

RESPONDENTS/ NONAPPLICANT :

1. Chhattisgarh Infrastructure Development Corporation, Through Managing Director, Shashtri Chowk, Raipur (C.G.)
2. State of Chhattisgarh Through Secretary Transport, D.K.S. Bldg, Raipur (C.G.)
3. Industrial Court of Chhattisgarh, Raipur (C.G.)

P.R. No. 4328/06 Presented by Sh. Kailash Singh dated 8/8/06

RECEIVED-COPY 8/8/06 CLERK TO A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR INSSUANCE OF APPROAPRIATE WRIT / WRITS, ORDER / ORDERS, DIRECTION / DIRECTIONS ETC.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4699/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1-9-2006

Mr. Harsh Banafar, counsel for the petitioner.

Mr. Vinay Pandey, Panel Lawyer for the State/respondent No.2, on advance copy.

Heard, on admission.

By this writ petition under Article 227 of the Constitution of India, the petitioner has questioned the legality and validity of the order dated 25-8-2005 passed by the Labour Court, Bilaspur, whereby the application of the petitioner for restoration of his application has been rejected on the ground that the said application has been filed beyond the period of limitation of 30 days and the petitioner has not been able to show sufficient and reasonable cause for non-appearance, as also the order dated 5-5-2006 passed by the Industrial Tribunal, Raipur, whereby the learned Industrial Tribunal has rejected the appeal of the petitioner.

I have perused the impugned order of the Labour Court, Bilaspur as well as the order of the Industrial Tribunal, Raipur, in which both the Courts have held that the petitioner has not been able to show sufficient and reasonable cause for non-appearance on 29-7-2003. In the application and in his evidence, it was mentioned that on account of fracture the petitioner was hospitalized from 21-4-2003 to 31-7-2003, whereas as per the certificate, he was discharged on 28-4-2003 and he was not confined to bed. Moreover, the petitioner was represented by an advocate therefore, non-appearance of the advocate on the day of hearing has also not been explained. Apart from that, the petitioner's application was dismissed on 29-7-2003, whereas the restoration application was filed on 16-9-2003, thereby beyond the period of

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(28)

मामला क्रमांक W.P.4699/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30 days limitation and it has not been mentioned that how this delay was occasioned and no application for condonation of delay was also filed.

In the circumstances, I do not find any substance in this petition to interfere with the above orders while exercising the jurisdiction under Article 227 of the Constitution of India, as there is no illegality or infirmity in the orders impugned. The writ petition is therefore, liable to be dismissed and it is hereby dismissed, at the admission stage itself. No order as to costs.

Consequently, I.A.No.8659/2006 stands disposed of.

Sd/-
L.C. Bhadoo
Judge

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P.T.O.